

PATENT COOPERATION TREATY

From the:
 INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

2004

To:
 WALLINGTON-DUMMER
 GPO Box 3888
 SYDNEY NSW 2001

PCT NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
 day/month/year 06 JUL 2004

Applicant's or agent's file reference
 035003

IMPORTANT NOTIFICATION

International Application No.
 PCT/AU2003/000314

International Filing Date
 14 March 2003

Priority Date
 14 March 2002

Applicant
 BRUCE, Darren Paul et al

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translations to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide

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PATENT COOPERATION TREATY
PCT

01 SEP 2004

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
 (PCT Article 36 and Rule 70)

Applicant's or agent's file reference 035003	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/AU2003/000314	International Filing Date (day/month/year) 14 March 2003	Priority Date (day/month/year) 14 March 2002
International Patent Classification (IPC) or national classification and IPC Int. Cl. 7 A43B 3/24		
Applicant BRUCE, Darren Paul et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 13 October 2003	Date of completion of the report 23 June 2004
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer Geoff Sadler Telephone No. (02) 6283 2114

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/AU2003/000314

I Basis of the report

1 With regard to the elements of the international application:*

☒ the international application as originally filed.☐ the description, pages , as originally filed,

pages , filed with the demand,

pages , received on with the letter of

☐ the claims, pages , as originally filed,

pages , as amended (together with any statement) under Article 19,

pages , filed with the demand,

pages , received on with the letter of

☐ the drawings, pages , as originally filed,

pages , filed with the demand,

pages , received on with the letter of

☐ the sequence listing part of the description:

pages , as originally filed

pages , filed with the demand

pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48 3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.☐ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished4. ☐ The amendments have resulted in the cancellation of:☐ the description, pages☐ the claims, Nos.☐ the drawings, sheets/fig.5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/AU2003/000314

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 3-14	YES
	Claims 1, 2, 15-18	NO
Inventive step (IS)	Claims 3-14	YES
	Claims 1, 2, 15-18	NO
Industrial applicability (IA)	Claims 1-18	YES
	Claims	NO

2 Citations and explanations (Rule 70.7)

The following documents identified in the International Search Report have been considered for the purposes of this report

D1 - US 5778564
D2 - FR 2659837
D3 - US 5566477
D4 - US 5311676
D5 - US 3994080
D6 - US 6212797

The claimed invention relates to shoes adapted to accept a range of interchangeable covers, so as to alter the appearance and/or use environment of the shoe assembly.

Claim 1 defines an interchangeable footwear system in which any one of a plurality of interchangeable covers are adapted to be fitted to a base shoe.

However each of the documents D1-D6 clearly discloses a footwear system comprising a base shoe and interchangeable covers having all the features defined in claim 1. Therefore the subject matter of claim 1 is not new and fails to meet the requirements of Article 33 PCT with regard to the requirement for novelty and inventive step

Furthermore, the features added by appended claims 2 and 15-18 are either known from one or more of the documents D1-D6 or are features which are typical in devices of this type and therefore cannot be considered as contributing to patentable ingenuity.

Claims 3-14 are distinguished from the cited documents by the particular arrangement used to attach the cover to the base shoe. Therefore the subject matter of these claims is new and meets the requirements of Article 33(2) PCT with regard to the requirement for novelty. These claims are also not obvious in the light of any of the cited documents nor disclosed in any obvious combination; nor would these claims be obvious to a person skilled in the art in the light of common general knowledge by itself or in combination with any of the documents.

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
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VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 4 is not clear because it is appended to itself. It appears that you may have intended to be appended that claim to claim 3 and hence the comments in box V were established on this basis.